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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,074	12/22/2000	Josh Ellinger	EXEM-25,499	3243
25883	7590	03/11/2005	EXAMINER	
HOWISON & ARNOTT, L.L.P			VAN DOREN, BETH	
P.O. BOX 741715			ART UNIT	
DALLAS, TX 75374-1715			PAPER NUMBER	

3623

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,074

Applicant(s)

ELLINGER ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a final office action in response to the communications received 12/22/04. Claims 1, 10, 16, 17, 26, 32, and 41 have been amended. Claims 47-49 have been canceled. Claims 1-46 are now pending in this application.

Response to Amendment

2. Applicant's amendments to claims 10, 26, and 41 are sufficient to overcome the 35 USC § 112, second paragraph, rejections set forth in the previous office action.

Claim Objections

3. Claim 1 recites "to provide an analytical a query result" which should more appropriately be --to provide an analytical query result--. Correction is required.

4. Claim 32 recites "operation on the data in the intermediate database to provide" which should more appropriately be --operating on the data in the intermediate database to provide--. Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al.

(Strategic Database Marketing).

6. As per claim 1, Jackson et al. teaches a method for tracking analytical information acquired during consumer transactions, comprising the steps of:

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conducting a commercial transaction between a customer and a vendor (See at least pages 40 and 86-89, wherein a commercial transaction has occurred);

creating a record of each of the transactions conducted between the customer and the vendor (See at least pages 40, 158-161, and 173-174, which disclose creating a record of the transactions);

storing the created record of the commercial transaction in a vendor transaction database (See at least pages 120-122, 158-161, and 173-174, which disclose creating a record of the transactions and storing them in a vendor database);

retrieving the created record from the vendor transaction database (See at least pages 120-122, 158-161, and 173-174, wherein the records would be retrieved);

retrieving from an enhancing database information relating to information retrieved from the vendor transaction database (See at least pages 86-89, 91, and 94-5, which discusses enhancing data and storing the information. See also pages 173-174, 177, 179, and 182-183);

operating on the retrieved records from the vendor transaction database and the retrieved information from the enhancing database in accordance with a predetermined algorithm that will summarize the operated on data and information as aggregate data (See at least pages 86-89, 91, and 94-54, which discusses enhancing data using a predetermined procedure and storing the resulting information. See also pages 173-174, 177, 179, and 182-183);

storing the aggregate data in an aggregate database (See at least pages 86-89, 91, and 94-5, which discusses storing the information); and

performing a query on the aggregate data stored in the aggregate database in accordance with a predetermined algorithm to provide an analytical query result (See at least pages 86-89,

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162, and 173-174, 177, 179, and 182-183, which discusses retrieving and performing procedures on the data stored to provide a result).

7. As per claim 2, Jackson et al. teaches a method further comprising the step of accessing the analytical result and displaying such accessed analytical result (See at least page 175, which shows an analytical result of the analysis).

8. As per claim 3, Jackson et al. teaches a method further comprising the step of modifying the predetermined analytical result (See at least page 161-162, which discusses updating the data in the database and re-researching the data).

9. As per claim 4, Jackson et al. teaches a method wherein there are provided a plurality of records stored in the vendor transaction database (See at least pages 120-122, 158-162, and 173-174, wherein a plurality of records are stored).

10. As per claim 5, Jackson et al. teaches a method wherein the step of retrieving comprises the step of retrieving a plurality of records from the vendor transaction database (See at least pages 120-122, 158-161, and 173-174, wherein the records would be retrieved).

11. As per claim 6, Jackson et al. teaches a method wherein the step of retrieving operates in response to receiving a request for one or more of the stored records in the vendor transaction database (See at least pages 120-122, 158-161, and 173-174, wherein the records are requested).

12. As per claim 7, Jackson et al. teaches a method wherein the request comprises a fixed number of records (See at least pages 173 and 183 which discuss a fixed number of records).

13. As per claim 8, Jackson et al. teaches wherein the request comprises a time range of records (See at least pages 161-162, which discusses the time range of the records).

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14. As per claim 9, Jackson et al. teaches wherein the request comprises a date range of records (See at least pages 40-41 and 161-162, which discusses the date range of the records).
15. As per claim 10, Jackson et al. teaches a method further comprising a step of modifying the request as a function of the number of commercial transactions being conducted (See at least pages 40-42 and 162-164, which discuss identifying repeat customers).
16. As per claim 11, Jackson et al. teaches wherein the step of retrieving operates in response to the creation of one or more of the records in accordance with predetermined criteria (See pages 86-89, 158-162, 173-174, 177, 179, and 182-183, which discuss creating records according to predetermined criteria (such as customer attributes, number of records needed, etc.)).
17. As per claim 12, Jackson et al. teaches wherein the predetermined criteria comprises the receipt of a fixed number of records since the last retrieval step (See at least pages 161, 179, and 182-183, which discuss sampling and using a fixed group of records).
18. As per claim 13, Jackson et al. teaches wherein the predetermined criteria comprises time criteria such that records are retrieved after a predetermined amount of time from a last retrieval operation (See pages 40-41 and 161-162, which discusses updating records).
19. As per claim 14, Jackson et al. teaches wherein the predetermined criteria comprises date criteria such that the step of retrieving operates in accordance with predetermined dates (See pages 40-41 and 161-162, which discuss updating records based on the time/date of the records).
20. As per claim 15, Jackson et al. teaches a method wherein each record is retrieved upon creation thereof (See at least pages 86-89, 158-162, 173-174, 177, 179, and 182-183).
21. As per claim 16, Jackson et al. teaches wherein the predetermined algorithm comprises a statistical algorithm and wherein the step of operating on comprises statistically analyzing the

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data (See at least pages 158-162, 173-174, 177, 179, and 182-183, all of which discuss statistical analysis of the aggregate data).

22. As per claim 17, Jackson et al. teaches a method for analyzing transaction information in association with a plurality of commercial transactions between a plurality of customers and a vendor, comprising the steps of:

creating a transaction database of the commercial transactions between the plurality of customers and the vendor, which transaction database includes information relating to the transactions and the associated customers (See at least pages 40, 86-89, 158-161, and 173-174, which disclose creating records of the transactions in a database);

extracting a select portion of the transaction database and creating an intermediate database including information relating to the transactions and the associated customers (See at least pages 120-122, 158-161, and 173-174, wherein the records would be retrieved);

interfacing with an enhancing database having demographic contained therein that is associated with the customers in the intermediate database (See at least pages 86-89, 91, and 94-5, which discusses enhancing data and storing the information. See also pages 173-174, 177, 179, and 182-183),

extracting demographic information from the enhancing database corresponding to a select portion of the intermediate database for addition thereto that defines an updated and enhanced database (See at least pages 86-89, 91, and 94-5, which discusses enhancing data and storing the information. See also pages 173-174, 177, 179, and 182-183); and

performing a statistical analysis on the enhanced database in accordance with a predetermined statistical analysis algorithm to provide an aggregate database of a statistical

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results (See at least pages 86-89, 162, and 173-174, 177, 179, and 182-183, which discusses performing statistical functions on the data stored in the database).

23. As per claim 18, Jackson et al. teaches a method further comprising the step of accessing the statistical result and displaying such accessed statistical result (See at least page 175, which shows a statistical result of the analysis).

24. As per claim 19, Jackson et al. teaches a method further comprising the step of modifying the predetermined statistical analysis algorithm (See at least page 161-162, which discusses updating the data in the database and re-researching the data).

25. Claims 20-31 contain equivalent limitations to claims 4-15, respectively, and are therefore rejected using the same art and rationale as applied above.

26. As per claim 32, Jackson et al. teaches a method for tracking analytical information acquired during commercial transactions between a plurality of customers and a vendor, which vendor is operable to create a record of each of the transactions conducted between the customer and the vendor and store the created record of the commercial transaction in a vendor transaction database, comprising the steps of:

retrieving the created record from the vendor transaction database (See at least pages 120-122, 158-161, and 173-174, wherein the records would be retrieved);

retrieving from an enhancing database information relating to information retrieved from the vendor transaction database (See at least pages 86-89, 91, and 94-5, which discusses enhancing data and storing the information. See also pages 173-174, 177, 179, and 182-183);

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storing the combination of the retrieved records from the vendor transaction database and the retrieved information from the enhancing database in an intermediate database (See at least pages 120-122, 158-161, and 173-174, wherein the data is stored intermediately);

operating on the data in the intermediate database to provide aggregate statistics on the data in the intermediate database as aggregate data in an aggregate database (See at least pages 86-89, 91, and 94-54, which discusses manipulating the data to provide aggregate statistics about customers and the market. See also pages 173-174, 177, 179, and 182-183); and

performing a query on the aggregate data stored in the aggregate database in accordance with a predetermined analytical algorithm to provide an analytical result (See at least pages 86-89, 162, and 173-174, 177, 179, and 182-183, which discusses asking the database to pull specific data in order to performing analytical functions).

27. Claims 33-46 recite equivalent limitations to claims 2-15, respectively, and are therefore rejected using the same art and rationale as applied in the rejection of claims 2-15, respectively.

Response to Arguments

28. Applicant's arguments with regards to the rejections based on Jackson et al. (*Strategic Database Marketing*) have been fully considered, but they are not persuasive. In the remarks, applicant argues that (1) Jackson et al. does not teach or suggest extracting data from a vendor transaction database and an enhancing database to provide an intermediate database of combined information and then creating an aggregate data base which is basically a pre-calculation or pre-summerization of the data in accordance with a predetermined aggregate algorithm that provides aggregate statistics of the data, (2) the aggregate data base allows fast access to the aggregate results, as opposed to performing the query of the combined database of Jackson et al.

Before responding to argument, examiner would first like to point out the varying scopes of independent claims 1, 17, and 32.

First, claim 1 contains no recitation of an intermediate database. Claim 1 recites that data from a vendor transaction database and data from an enhancing database are retrieved and operated on using an algorithm to produce aggregate data, which is stored in an aggregate database. A query is performed on the aggregate data.

Second, claim 17 recites a transaction database from which a selected portion is extracted to create an intermediate database. Information is then extracted from an enhancing database to create an updated and enhanced database. Statistical analysis is performed on the enhanced database using a statistical analysis algorithm to produce an aggregate database. No query or querying is recited in claim 17.

Claim 32 recites retrieving a record from a vendor database as well as information related to the record being retrieved from an enhanced database. The combination is stored in an

intermediate database, which is operated on to provide aggregate statistics stored in an aggregate database. This aggregate database is queried using a predetermined analytical algorithm.

In response to argument (1), examiner points out that this argument does not apply to claim 1 because claim 1 contains no recitation of an intermediate database or the terms “pre-calculation” or “pre-summarization”. Further, claim 1 makes no mention of statistics.

Therefore, it is unclear how the applicant’s arguments directly relate to the limitations presented in claim. As for claim 17, claim 17 contains no recitation of the terms “pre-calculation” or “pre-summarization”. Further the steps of claim 17 do not match the argument of the applicant as the aggregate database is produced by performing statistical analysis on the enhanced database using a statistical analysis algorithm. Therefore, the aggregate database is not a pre-calculation.

Finally, claim 32 again does not recite the terms “pre-calculation” or “pre-summarization”.

Jackson does teach a database wherein the vendor records data about commercial activities. See pages 120-122, 158-161, and 173-174. Information related to the transaction records is retrieved to enhance the data records. See pages 86-89, 91, and 94-95, which discusses supplemental enhancing data. This combination is stored intermediately and operated on to produce data records of aggregate statistics about the customers and the market. See pages 158-161, 173-174, 177, 179, and 182-183. The user then asks the database to pull specific data in accordance with a predetermined procedure to answer the user’s questions about the customers and/or market.

In response to argument (2), Examiner again points out the varying scope of the claims. In claim 17, the result/data of the statistical analysis is provided in the aggregate database. There is no specific recitation of any manipulation or use of this data after the aggregate database is provided. Therefore argument (2) does not apply to claim 17 and the claims dependant on claim

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17. As for claims 1 and 32, Applicant's argument of "fast access to results" is irrelevant since this is merely a benefit asserted by the Applicant that has no supporting language found in the claims. Since Jackson et al. discloses the elements of claims 1 and 32 and their dependent claims, Jackson et al. does necessarily teach and suggest the claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 7, 2005


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